

114TH CONGRESS
2D SESSION

H. R. 4507

To establish the Bureau of Land Management Foundation as a charitable,
nonprofit corporation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2016

Mr. LOWENTHAL (for himself and Ms. MCCOLLUM) introduced the following
bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Bureau of Land Management Foundation
as a charitable, nonprofit corporation, and for other pur-
poses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bureau of Land Man-
5 agement Foundation Act”.

6 **SEC. 2. DEFINITIONS.**

7 For the purposes of this Act, the following definitions
8 apply:

9 (1) BOARD.—The term “Board” means the
10 Board or Directors of the Foundation.

1 (2) FOUNDATION.—The term “Foundation”
2 means the Bureau of Land Management Foundation
3 established by this Act.

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 **SEC. 3. ESTABLISHMENT AND PURPOSES.**

7 (a) ESTABLISHMENT.—There is established the Bu-
8 reau of Land Management Foundation as a charitable and
9 nonprofit corporation that shall not be considered an agen-
10 cy or establishment of the United States.

11 (b) PURPOSES.—The purposes of the Foundation are
12 to—

13 (1) encourage, accept, and administer private
14 gifts of money and of real and personal property for
15 the benefit of, or in connection with the activities
16 and services of, the Bureau of Land Management;

17 (2) undertake and conduct activities that fur-
18 ther the purposes for which public lands are admin-
19 istered; and

20 (3) undertake, conduct, and encourage edu-
21 cational, technical, scientific, and other assistance or
22 activities that support the mission of the Bureau of
23 Land Management.

24 **SEC. 4. BOARD OF DIRECTORS.**

25 (a) ESTABLISHMENT AND MEMBERSHIP.—

1 (1) IN GENERAL.—The Foundation shall have a
2 governing Board of Directors, which shall consist of
3 no more than 9 members, each of whom shall be a
4 United States citizen.

5 (2) REQUIREMENTS OF MEMBERS.—A majority
6 of members of the Board shall have education or ex-
7 perience in natural, cultural, conservation, or other
8 resource management, law, or research and, to the
9 extent practicable, members of the Board shall rep-
10 resent diverse points of view.

11 (3) EX-OFFICIO MEMBER.—The Director of the
12 Bureau of Land Management shall be an ex-officio
13 nonvoting member of the Board.

14 (b) APPOINTMENT AND TERMS.—

15 (1) INITIAL APPOINTMENT.—Not later than one
16 year after the date of the enactment of this Act, the
17 Secretary shall appoint the members of the Board
18 who, except as otherwise provided in paragraph (2),
19 shall be appointed for terms of 6 years.

20 (2) STAGGERED APPOINTMENTS.—The Sec-
21 retary shall stagger the initial appointments to the
22 Board, as determined to be appropriate by the Sec-
23 retary, so that—

24 (A) one-third of the members serve a term
25 of 2 years;

1 (B) one-third of the members serve a term
2 of 4 years; and

3 (C) one-third of the members serve a term
4 of 6 years.

5 (3) VACANCY.—A vacancy on the Board shall
6 be—

7 (A) filled not later than 60 days after va-
8 cancy occurs in the manner of which the origi-
9 nal appointment was made; and

10 (B) for the balance of the term of the indi-
11 vidual who was replaced.

12 (4) REMOVAL.—A member of the Board may be
13 removed from the Board by a majority vote of the
14 Board if the individual misses 3 consecutive regu-
15 larly scheduled meetings and the vacancy shall be
16 filled in accordance with paragraph (3).

17 (5) TERM LIMIT.—In no case shall an indi-
18 vidual serve more than 12 consecutive years on the
19 Board.

20 (c) CHAIRMAN.—The Chairman—

21 (1) shall be elected by the Board from its mem-
22 bers for a 2-year term; and

23 (2) may be re-elected to the post while serving
24 as a member of the Board.

1 (d) QUORUM.—A majority of the current voting
2 membership of the Board shall constitute a quorum for
3 the transaction of business.

4 (e) MEETINGS.—The Board shall meet at the call of
5 the Chairman at least once a year.

6 (f) REIMBURSEMENT OF EXPENSES.—Serving as a
7 Member of the Board shall not constitute employment by
8 the United States Government for any purpose. Members
9 shall serve without pay other than reimbursement for the
10 actual and necessary traveling and subsistence expenses
11 incurred in the performance of their duties for the Foun-
12 dation in accordance with section 5703 of title 5, United
13 States Code.

14 (g) GENERAL POWERS.—The Board may complete
15 the organization of the Foundation by appointing offices
16 and employees, adopting a constitution and bylaws con-
17 sistent with the purposes of the Foundation and this Act,
18 and undertaking other such acts as may be necessary to
19 function and to carry out the provisions of this title.

20 (h) OFFICERS AND EMPLOYEES.—Officers and em-
21 ployees of the Foundation may not be appointed until the
22 Foundation has sufficient funds to pay them for their
23 service. Appointment as an officer or employee of the
24 Foundation shall not constitute employment by the United
25 States.

1 (i) LIMITATION AND CONFLICTS OF INTEREST.—

2 (1) PROHIBITION ON POLITICAL CAMPAIGN AC-
 3 TIVITY.—The Foundation shall not participate or in-
 4 tervene in a political campaign on behalf of any can-
 5 didate for public office.

6 (2) CONFLICT OF INTEREST.—No member of
 7 the Board, officer, or employee of the Foundation
 8 shall participate, directly or indirectly, in the consid-
 9 eration or determination of any question before the
 10 Foundation affecting—

11 (A) the financial interests of the member
 12 of the Board, officer, or employee; or

13 (B) the interests of any corporation part-
 14 nership, entity, or organization in which such
 15 member of the Board, officer, or employee—

16 (i) is an officer, director, or trustee;

17 or

18 (ii) has any direct or indirect financial
 19 interest.

20 **SEC. 5. POWERS AND OBLIGATIONS.**

21 (a) IN GENERAL.—The Foundation—

22 (1) shall have perpetual succession; and

23 (2) may conduct business throughout the sev-
 24 eral States, territories, and possessions of the
 25 United States.

1 (b) NOTICE AND SERVICE OF PROCESS.—The Foun-
2 dation shall at all times maintain a designated agent in
3 the District of Columbia authorized to accept service of
4 process for the Foundation. The serving of notice to, or
5 service of process upon, the agent required under this sub-
6 section, or mailed to the business address of such agent,
7 shall be deemed as service upon or notice to the Founda-
8 tion.

9 (c) SEAL.—The Foundation shall have an official seal
10 selected by the Board which shall be judicially noticed.

11 (d) POWERS.—In addition to powers otherwise au-
12 thorized under this Act, to carry out its purposes, the
13 Foundation shall have the usual powers of a not-for-profit
14 corporation in the District of Columbia, including the
15 power to—

16 (1) accept, receive, solicit, hold, administer, and
17 use any gift, devise, or bequest, either absolutely or
18 in trust, of real or personal property or any income
19 therefrom or other interest therein;

20 (2) acquire by donation, gift, devise, purchase
21 or exchange, and dispose of any real or personal
22 property or interest therein;

23 (3) sell, donate, lease, invest, reinvest, retain or
24 otherwise dispose of any property or income there-
25 from unless limited by the instrument of transfer;

1 (4) borrow money and issue bonds, debentures,
2 or other debt instruments;

3 (5) sue and be sued, and complain and defend
4 itself in any court of competent jurisdiction, except
5 that the Directors of the Board shall not be person-
6 ally liable, except for gross negligence;

7 (6) enter into contracts or other arrangements
8 with public agencies, private organizations, and per-
9 sons and to make such payments as may be nec-
10 essary to carry out the purposes thereof; and

11 (7) do any and all acts necessary and proper to
12 carry out the purposes of the Foundation.

13 (e) REAL PROPERTY.—

14 (1) TITLE AND INTEREST.—For the purposes
15 of this Act, an interest in real property shall be
16 treated as including mineral and water rights, rights
17 of way, and easements, appurtenant or in gross.

18 (2) ACCEPTANCE OF REAL PROPERTY.—A gift,
19 devise, or bequest of real property may be accepted
20 by the Foundation even though it is encumbered, re-
21 stricted, or subject to beneficial interests of private
22 persons if any current or future interest therein is
23 for the benefit of the Foundation.

1 (3) REFUSAL OF REAL PROPERTY.—The Foun-
2 dation may, in its discretion, decline any gift, devise,
3 or bequest of real property.

4 (4) CONDEMNATION PROHIBITED.—No lands or
5 waters, or interests therein, that are owned by the
6 Foundation shall be subject to condemnation by any
7 State or political subdivision, or any agent of instru-
8 mentality thereof.

9 **SEC. 6. ADMINISTRATIVE SERVICES AND SUPPORT.**

10 (a) ESTABLISHMENT SUPPORT.—For the purposes of
11 assisting the Foundation in establishing an office and
12 meeting initial administrative, project, and other expenses,
13 the Secretary is authorized to provide to the Foundation
14 \$3,000,000 for fiscal year 2016, \$2,000,000 for fiscal
15 years 2017, 2018, and 2019, and \$1,000,000 for fiscal
16 year 2020. Such funds shall remain available to the Foun-
17 dation until they are expended for authorized purposes.

18 (b) ADMINISTRATIVE EXPENSES.—The Secretary
19 may provide personnel, facilities, equipment, and other ad-
20 ministrative services to the Foundation with such limita-
21 tions and on such terms and conditions as the Secretary
22 shall establish. The Foundation may reimburse the Sec-
23 retary for any support provided under this subsection, in
24 whole or in part, and any reimbursement received by the
25 Secretary under this subsection shall be deposited into the

1 Treasury to the credit of the appropriations then current
2 and chargeable for the cost of providing the services.

3 **SEC. 7. VOLUNTEERS.**

4 The Secretary may accept, without regard to the civil
5 service classification laws, rules, and regulations, the serv-
6 ices of the Foundation, the Board, and the offices or em-
7 ployees or agents of the Foundation, without compensa-
8 tion from the Department of the Interior, as volunteers
9 for the performance of the functions under section 307(d)
10 of the Federal Land Policy and Management Act of 1976
11 (43 U.S.C. 1737(d)).

12 **SEC. 8. AUDITS AND REPORTS REQUIREMENTS.**

13 (a) AUDITS.—For purposes of the Act entitled “An
14 Act for audit of accounts of private corporations estab-
15 lished under Federal law”, approved August 30, 1964 (36
16 U.S.C. 1101 through 1103), the Foundation shall be
17 treated as a private corporation established under Federal
18 law.

19 (b) ANNUAL REPORT.—The Foundation shall trans-
20 mit at the end of each fiscal year a report to Congress
21 of its proceedings and activities during that year, includ-
22 ing a full and complete statement of its receipts, expendi-
23 tures, and investments.

1 **SEC. 9. UNITED STATES RELEASE FROM LIABILITY.**

2 The United States shall not be liable for any debts,
3 defaults, acts, or omissions of the Foundation, nor shall
4 the full faith and credit of the United States extend to
5 any obligations of the Foundation.

6 **SEC. 10. LIMITATION ON AUTHORITY.**

7 Nothing in this Act authorizes the Foundation to per-
8 form any function the authority for which is provided to
9 the Bureau of Land Management under any other provi-
10 sion of law.

11 **SEC. 11. LIMITATION ON USE OF FUNDS.**

12 Amounts provided as a grant by the Foundation shall
13 not be used for—

- 14 (1) any expense related to litigation; or
15 (2) any activity the purpose of which is to influ-
16 ence legislation pending before Congress.

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